O/suits/51

19 51 **File No.** 26/51

Legal Department

G **BRANCH**

Subject:—

O/suits/51

File No. 26/51

Gen. 194 s.

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Legal Department.

Out of the total claim of Rs. 7897-4-0, Rs. 4676-8-0 are deducted for short supply from May to August 1948 and Rs. 3220-12-0 for May 1949. As regards the first amount viz. Rs. 4676-8-0 the Government's case seems to be rather weak. The schedule of conditions had expired on 31st March 1948 and no new schedule was finally fixed till 26 the August 1948. Before that the Society had made clear in its letter dated 30th April 1948 that it was not responsible to supply any definite quantity and hence not liable to penalty. The acknowledgment letter the draft of which is at page 35 ante was not sent by the Society and therefore it would be difficult to defend the Society claim for refund of the amount recovered by the Milk Commissioner for short supply during May to August 1948.

The claim for Rs. 3220-12-0 for short supply during May 1949 would be defendable as the Milk Commissioner had made it clear to the Society by his letter dated 9th April 1949 that milk was being accepted subject to the scheduled conditions.

In respect of such supplies it would be advisable for the Milk Commissioner to enter in advance into regular contracts and not to rely merely on contracts to be inferred from correspondence.

Id./.....

Additional Secretary to Government.

U.R. to M.C.,No. G-146, dated the 16th April 1951.

SMR 25-7-56
4 Copies.